

# MICHIGAN LAND USE INSTITUTE

*Building citizen support for  
policy that protects the  
environment, strengthens  
the economy, and  
enhances quality of life*

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## Agriculture Committee TESTIMONY

March 14, 2006

Michigan House of Representatives

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For its detrimental effect on the Michigan Agriculture Environmental  
Assurance Program, the Michigan Land Use Institute opposes the  
legislative package of House Bills 5711 – 5716.

Approximately five years ago, Michigan began an innovative and proactive program to help farms avoid environmental problems. By providing valuable assistance at the front end of farm planning, the Michigan Agriculture Environmental Assurance Program gave livestock operations in particular a valuable way to save money and build trust with the public.

Today, however, the meaning of the term "MAEAP-certified" is at risk. If House Bills 5711-5716 are enacted, farm families will no longer be able to stand proudly by signs in their yards that extol their participation in the Michigan Agriculture Environmental Assurance Program.

To succeed in the long run, the Michigan Agriculture Environmental Assurance Program needs more support for follow-up inspections that give farms and the public more security. **Instead the HB 5711-5716 package would:**

**1. Effectively eliminate the only enforcement backstop and public trust-building safety mechanism that now exists in the MAEAP program.**

Currently the only operations that must obtain legally enforceable Clean Water Act permits are those large firms that violate their pollution prevention commitments, or are at a scale comparable to municipal or industrial wastewater systems. The package effectively removes these requirements, turning the MAEAP program into an empty promise with no recourse against the "bad actors" that damage the program's credibility.

How? House Bill 5712 allows industrial-scale operations to move from legally enforceable permits to an unenforceable state registry listing. House Bill 5711 allows polluters to run up huge taxpayer costs by restricting prosecution to only those operations that "willingly and knowingly" violate environmental laws. *Past experience with the state's under-funded oversight system and largely voluntary approach shows this standard is nearly impossible to prove even when an operation has received repeated warnings about pollution problems.*

## **2. Increase conflict between livestock agriculture and the general public.**

In addition to severely limiting enforcement, the legislative package silences the only remaining voice for the state's waterways in relation to agriculture: The citizen voice.

Practically the only enforcement action the state has taken in recent years is directly related to citizen complaints. Without citizen action to monitor waterways and industrial farm practices, the state would likely not have been able to address significant problems at six MAEAP-certified operations, which have since been required to come under permit oversight.

The package silences citizens by prohibiting anonymous complaints and by making it possible to charge citizens for the cost of following up on their complaints. These conditions are impractical and punitive.

By silencing the citizen voice, the package will increase, not lessen, animosity between frustrated neighbors and frustrated farm operators.

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The **Michigan Land Use Institute** is an 11-year old statewide nonprofit advocacy organization with five offices, 16 **staff members**, **2,600 members**, and **an award-winning public interest news service** with web traffic of **80,000 visits per month**. The Institute also operates a nationally prominent program for promoting new farm business opportunities as part of its Smart Growth and farmland preservation mission. The Michigan Land Use Institute urges House Agriculture Committee members to reject House Bills 5711-5716.